

# **Exhibit A**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,  
INC., OPENAI LP, OPENAI GP, LLC,  
OPENAI, LLC, OPENAI OPCO LLC,  
OPENAI GLOBAL LLC, OAI  
CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195 (SHS) (OTW)

**PLAINTIFF THE NEW YORK TIMES COMPANY’S RESPONSES AND  
OBJECTIONS TO DEFENDANT OPENAI OPCO, LLC’S SECOND SET OF  
REQUESTS FOR ADMISSION (NOS. 13-50)**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Plaintiff, The New York Times Company (“The Times”) responds and objects to Defendant OPENAI OPCO, LLC’S (“OpenAI Opco”) Second Set of Requests for Admission. These responses and objections are based on The Times’s knowledge, investigations, and analysis to date. The Times reserves all rights to supplement and amend its responses and objections accordingly.

**GENERAL OBJECTIONS**

1. The Times objects to the definitions of “Plaintiff,” “You,” and “Your” insofar as they include The Times’s “managers”—a vague term that is at best duplicative to the term “employees,” which is already part of the definitions. The Times also objects to these definitions because they include The Times’s “parent companies,” of which there are none. The Times further objects to these definitions as overbroad and unduly burdensome insofar as they include “any

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**REQUEST FOR ADMISSION NO. 36:**

Admit that You have never licensed any of Your Asserted Works for use as training data for Generative AI.

**RESPONSE NO. 36:**

The Times incorporates its General Objections above. The Times objects to the phrase “training data for Generative AI” as vague and ambiguous.

Subject to these objections, The Times can neither admit nor deny this Request. The Times is willing to meet and confer regarding this Request.

**REQUEST FOR ADMISSION NO. 37:**

Admit that You are unaware of any of Your Asserted Works ever having been licensed for use as training data for Generative AI.

**RESPONSE NO. 37:**

The Times incorporates its General Objections above. The Times objects to the phrase “training data for Generative AI” as vague and ambiguous. The Times objects to the phrase “ever having been licensed” as vague and ambiguous.

Subject to these objections, The Times can neither admit nor deny this Request. The Times is willing to meet and confer regarding this Request.

**REQUEST FOR ADMISSION NO. 38:**

Admit that You have no documentary evidence showing that any Person has offered any consideration to You for the use of Your Asserted Works to train Generative AI.

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**RESPONSE NO. 38:**

The Times incorporates its General Objections above. The Times objects to the phrase “to train Generative AI” as vague and ambiguous. The Times construes “to train Generative AI” to mean to train a large language model used for Generative AI.

Subject to these objections, denied.

**REQUEST FOR ADMISSION NO. 39:**

Admit that You have no documentary evidence showing that any Person has actually compensated You any consideration for use of Your Asserted Works to train Generative AI.

**RESPONSE NO. 39:**

The Times incorporates its General Objections above. The Times objects to the phrase “compensated You any consideration” as vague and ambiguous. The Times objects to the phrase “to train Generative AI” as vague and ambiguous. The Times construes “to train Generative AI” to mean to train a large language model used for Generative AI.

Subject to these objections, The Times can neither admit nor deny this Request. The Times is willing to meet and confer regarding this Request.

**REQUEST FOR ADMISSION NO. 40:**

Admit that sales Relating to Your Asserted Works have not decreased due to the alleged use of Your Asserted Works to train Generative AI.

**RESPONSE NO. 40:**

The Times incorporates its General Objections above. The Times objects to the phrase “sales Relating to Your Asserted Works” as vague and ambiguous. The Times interprets “sales Relating to Your Asserted Works” to mean subscriptions opportunities, licensing opportunities, and/or advertising revenue, including from referral links.

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**REQUEST FOR ADMISSION NO. 47:**

Admit that You are unaware of any specific ChatGPT outputs that (a) reproduce a work you have asserted in this Action, (b) without attribution, and (c) within 10 days of publication.

**RESPONSE NO. 47:**

The Times incorporates its General Objections above.

Subject to the above objections, denied.

Dated: December 20, 2024

/s/ Ian Crosby

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